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H. ANTHONY JEW and VIOLET W. JEW

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

10 ALETTE TEMPLE,) No. CO 50164 JL
11 Plaintiff,) ANSWER TO COMPLAINT
12 vs.) JURY DEMAND BY DEFENDANTS
13 H. ANTHONY JEW and VIOLET JEW,)
14 Defendants.)

16 Pursuant to Rule 8 of the Federal Rules of Civil Proce-
17 dure, defendants H. ANTHONY JEW and VIOLET W. JEW answer the com-
18 plaint filed by plaintiffs as follows:

I.

20 These answering defendants lack sufficient information
21 and belief to either admit or deny the allegations contained in
22 paragraphs numbered 1, 3, 10, 12, 13, 15, 25, 27 and based upon
23 such lack of information and belief, deny each and every allegation
24 contained in said numbered paragraphs.

II.

26 These answering defendants deny each and every allegation
27 contained within paragraphs numbered 9, 14, 16-18, 24, 26 and
28 further deny that plaintiffs are entitled to any relief whatsoever,

1 in any sum, or at all.

2 III.

3 In responding to paragraph number 19 these answering
4 defendants incorporate each and every response to each and every
5 paragraph included in paragraphs 1 through 18.

6 IV.

7 These answering defendants admit the allegations con-
8 tained within paragraphs numbered 2, 4-8, 11, 20-23.

9 AFFIRMATIVE DEFENSES

10 I.

11 These answering defendants allege that plaintiffs' com-
12 plaint and each alleged cause of action therein, fails to state
13 facts sufficient to constitute a cause of action as to these an-
14 swering defendants.

15
16 II.

17 These answering defendants are informed and believe and
18 thereupon allege that plaintiffs, by the exercise of reasonable
19 effort and/or care, could have mitigated the damages alleged to
20 have been suffered, but plaintiffs have failed, neglected and
21 refused, and continue to fail and refuse, to exercise reasonable
22 effort to mitigate the damages, if any.

23 III.

24 These answering defendants allege that each alleged cause
25 of action set forth in the complaint herein is barred by the
26 applicable statute of limitations.

27 IV.

28 These answering defendants allege that treble damages or

1 punitive damages are violative of the due process, equal protection
2 and right of privacy provisions of the constitutions of the United
3 States and the State of California and that this Court, therefore,
4 does not have subject matter jurisdiction to hear or determine the
5 punitive damage claim.

6 V.

7 Plaintiffs' claims are barred by the equitable Doctrine
8 of Laches.

9 VI.

10 Plaintiffs' claims are barred by the equitable Doctrine
11 of Estoppel.

12 VII.

13 Plaintiffs' claims are barred by the equitable Doctrine
14 of Unclean Hands.

15 WHEREFORE, these answering defendants pray that plain-
16 tiffs take nothing by way of plaintiffs' complaint and defendants
17 go hence with defendants' costs of suit, and for such other and
18 further relief as the Court deems proper.

19 DATED: February 9, 2005

20 BORTON, PETRINI & CONRON, LLP

21
22 By Curtis Hagon, Esq.
23 Richard E. Morton
24 Attorneys for Defendants
H. ANTHONY JEW and VIOLET W. JEW

1 DEMAND FOR JURY TRIAL

2 Defendants hereby demand a jury for all claims for which
3 is jury is permitted.

4 DATED: February 9, 2005

5 BORTON, PETRINI & CONRON, LLP

6
7 By Curtis Hagan, Esq.
8 Richard E. Morton,
9 Attorneys for Defendants
H. ANTHONY JEW and VIOLET W. JEW